

FCC FORM 159 JULY 1997 (REVISED)

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**SCHWANINGER & ASSOCIATES, P.C.**

1835 K ST. NW SUITE 650 202-223-8837  
WASHINGTON, DC 20006

DATE December 15, 1999 15-3 00048  
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PAY  
TO THE  
ORDER OF

**Federal Communications Commission**

\$ 2,005 <sup>00</sup>/<sub>100</sub>

Two thousand five <sup>00</sup>/<sub>100</sub>

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**RIGGS**

Riggs Bank N.A.  
Pennsylvania Ave. Office  
Washington, DC 20006-3453

FOR

Satellite Broadcasting

Lisa Graham MP

⑈00014984⑈ ⑆094000030⑆

17259721⑈

Before the  
**Federal Communications Commission**  
 Washington, D.C. 20554

In the Matter of	)	
	)	
Amendment of Section 73.202(b)	)	
	)	RM No. _____
Table of Allotments	)	
FM Broadcast Stations	)	
	)	
(Big Pine Key, Florida)	)	

To: Secretary, Federal Communications Commission

**PETITION FOR RULEMAKING**

In accord with 47 C.F.R. §1.401, Satellite Broadcasting Company respectfully requests the Commission issue a Notice of Proposed Rulemaking for the assignment of channel 239A (95.7 MHz) as a new allocation to Big Pine Key, Florida. In support of its request, Petitioner shows the following:

Introduction

1. This statement is a Petition for Rulemaking to allot FM channel 239A (95.7 MHz) to Big Pine Key, Florida and add the channel to the Commission's Table of FM Allotments.  
  
The following demonstrates the need for an FM channel and the effects of the first local FM allotment on the community of Big Pine Key, Florida.

Discussion

2. Big Pine Key is located along US Route 1 in the southern portion of the island chain known as the Florida Keys.

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3. Big Pine Key is an unincorporated community in Monroe County, Florida. As of the 1990 Census, Monroe County had 78,024 residents.
4. The 1990 Census lists the population of Big Pine Key as 4,206.
5. According to the Lower Keys Chamber of Commerce, the current, permanent population of Big Pine Key is 5,500 residents. The population increases to over 13,000 with the arrival of tourists and seasonal residents each winter.
6. The allotment of channel 239A to Big Pine Key will provide the residents with an outlet for local expression and community service. Local health and safety would be increased due to the presence of a local communications outlet for warning the Big Pine Key area of emergency conditions created by severe weather or other health or security hazards. The need for emergency communications to the public are exacerbated by the community's proximity to foreign nations such as Cuba and Haiti, and the region's susceptibility to hurricanes.
7. Channel 239A can be allotted to Big Pine Key and meet all of the rules and requirements of the Commission. The instant proposal will not cause a change in the channel number or a deletion of any channel now appearing in the Commission's Table of Allotments, 47 C.F.R. §73.202(b).

<u>Community</u>	<u>Present</u>	<u>Proposed</u>
Big Pine Key, Florida	281C1	239A, 281C1

8. In accord with §73.207 of the Commission's rules, all allotments on channel 239A and the pertinent adjacent channels to 239A have been studied with the results listed in Exhibit I of this Petition. The geographic coordinates used for the above referenced

study, (24-41-13N; 81-21-58W) denote the center of the community of Big Pine Key, Florida as specified in the U.S. Gazetteer of the United States Census Bureau. No site restriction will be required to allot channel 239A to Big Pine Key.

9. Joseph Novak of Satellite Broadcasting Company has a verbal commitment to lease space from a transmitter site which will provide city grade coverage (3.16mv/m or 70 dBu) to the entire community of Big Pine Key. This site would also provide full minimum spacing requirements to other allotments.

#### Information Designation

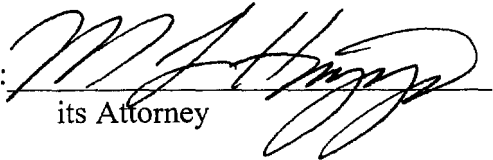
10. Nancy Herlehy, Lower Keys Chamber of Commerce, P.O. Box 430511, Big Pine Key, Florida 33043, phone (800) 872-3722. Ms. Herlehy provided information regarding the current population and community statistics for Big Pine Key.
11. Mel Freedman, Consulting Engineer, Mel Freedman Engineering, 2612 Portsmouth Lane, Modesto, California 95355, phone (209) 522-1180. Mr. Freedman prepared all technical analysis for the selection of the proposed channel and the instant Petition for Rulemaking.
12. Joseph Novak, Satellite Broadcasting Company, 644 Shore Drive, Boynton Beach, Florida 33435, phone (561) 733-4499. As a principal of Satellite Broadcasting Company, Mr. Novak certifies that, should the requested channel allotment be granted, his company will apply for a construction permit to operate an FM station for Big Pine Key, Florida. Attached hereto as Exhibit II.

Conclusion

13. It has been shown that the community of Big Pine Key, Florida would benefit from the allotment of channel 239A. It has also been shown that channel 239A can be allocated to Big Pine Key and meet all rules regarding spacing from other broadcast stations.
14. Satellite Broadcasting, Inc. hereby respectfully requests the Commission institute a Rulemaking proceeding to amend the Table of Allotments to include channel 239A for Big Pine Key, Florida. 47 C.F.R. §73.202(b).

Respectfully submitted,

SATELLITE BROADCASTING  
COMPANY

By:   
its Attorney

Michael L. Higgs  
Schwaninger & Associates, P.C.  
1835 K Street, N.W., Suite 650  
Washington, DC 20006  
phone 202/223-8837  
fax 202/659-0071

Dated: 12/14/99

**EXHIBIT I**  
to Petition for Rulemaking

SATELLITE BROADCASTING, INC.  
BF (New) - Big Pine Key, FL

PETITION FOR RULE MAKING  
Engineering Statement

At the request of Satellite Broadcasting, Inc., we have prepared this engineering statement in support of a Petition for Rule Making which seeks FM Channel 239A as a new allocation to Big Pine Key, Florida.

The center coordinates of the community of Big Pine Key are specified in the U.S. Gazetteer of the United States Census Bureau at (NAD27) 24°41'13" and 81°21'58". As shown in the attached constraints study, this location complies in all respects with the spacing requirements of Section 73.207(a) of the Commission's Rules.

Respectfully submitted,

A handwritten signature in cursive script, reading "Mel Freedman".

Mel Freedman  
Engineer for Satellite Broadcasting, Inc.

8 December 1999



Mel Freedman  
Modesto, CA

Wednesday, December 08, 1999

Dataworld FM Spacing Study

Title: Satellite Broadcasting, Inc.

Latitude: N 24° 41' 13.0"

Channel: 239 A (95.7 MHz)

Database: FCC 11/17/1999 12:00:00 AM

Longitude: W 81° 21' 58.0"

Safety Zone: 30.0 km

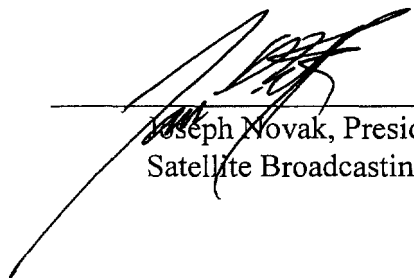
Call	Auth	Licensee name	Chan	HAAT(m)	ERP	Latitude	Br-to	Dist	Req
City of License		St	FCC File Number	Freq	HAMSL(m)	Longitude	-from	(km)	(km)
WOLZ	LIC	Corkscrew Broadcasting Corporati	237 C1	145.0	79 H	N 26° 30' 18.0"	346.5	207.3	75.00
Fort Myers		FL	BLH-950711KA	95.3	79 V	W 81° 51' 14.0"	166.3	132.3	CLEAR
WLDI	CP	Fairbanks Communications, Inc.	238 C1	127.0	1.9 H	N 26° 45' 33.0"	27.7	260.2	133.0
Fort Pierce		FL	BPH-960709IE	95.5	1.9 V	W 80° 08' 40.0"	208.2	127.2	CLEAR
For Auxiliary Purposes Only									
ALLOC	USED		239 C2			N 25° 42' 55.0"	46.6	167.0	166.0
North Miami Beach		FL	95.7			W 80° 09' 17.0"	227.1	0.979	CLOSE
WXDJ	LIC	New Age Broadcasting, Inc.	239 C2	167.0	40 H	N 25° 46' 29.0"	44.1	169.1	166.0
North Miami Beach		FL	BLH-970306KA	95.7	40 V	W 80° 11' 19.0"	224.7	3.104	CLOSE
DA: ODD ODD960229IC @ 0.0°									
WBKM	CP M	Sebastian Broadcasting Company	240 C3	45.0	25 H	N 27° 48' 44.0"	12.1	354.4	89.00
Sebastian		FL	BMPH-990122ID	95.9	25 V	W 80° 36' 29.0"	192.4	265.4	CLEAR
WRXK-FM	LIC	Beasley B/Cstng of Western of FI	241 C	341.0	100 H	N 26° 25' 22.0"	352.2	194.1	95.00
Bonita Springs		FL	BLH-900207KD	96.1	100 V	W 81° 37' 49.0"	172.1	99.11	CLEAR
W242AC	LIC	Friends Broadcasting, Inc.	242 D	142.0	0.01 H	N 27° 19' 27.0"	19.5	310.6	31.00
Port St. Lucie		FL	BLFT-940216TD	96.3	0.01 V	W 80° 18' 49.0"	200.0	279.6	CLEAR
Translator For WRMB, Boynton Beach, FL-									
ALLOC	USED		292 C2			N 24° 57' 20.0"	69.2	84.81	15.00
Key Largo		FL	106.3			W 80° 34' 50.0"	249.5	69.81	CLEAR
Site Restricted 20.3 km Southwest-Reserved for WZMQ per D93-136									
ALLOC	USED		293 C3			N 27° 20' 12.0"	338.0	317.5	12.00
Sarasota		FL	106.5			W 82° 34' 25.0"	157.5	305.5	CLEAR
Reference coordinates for one-step application BPH-940812IZ									

>> End of channel 239 A study <<

**EXHIBIT II**  
to Petition for Rulemaking

Certification Statement

I, Joseph Novak, do hereby certify that I am the president of Satellite Broadcasting Company, 644 Shore Drive, Boynton Beach, Florida 33435-2850, and that if the requested FM radio allotment is granted to the community of Big Pine Key, Florida, Satellite Broadcasting Company will submit an application for the channel and intends to construct and operate a broadcast radio station on said channel.



\_\_\_\_\_  
Joseph Novak, President  
Satellite Broadcasting

Dated: 12/8/99